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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,647	05/25/2006	Motoki Kato	289157US8PCT	5725
22850 7590 08/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KHAN, ASHER R				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 08/26/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/580,647

**Applicant(s)**

KATO ET AL.

**Examiner**

ASHER KHAN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 5/25/2006

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/15/2009.
2. Applicant's election without traverse of 1-9 in the reply filed on 6/15/2009 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2002/0164152 to Kato et al. "Kato" in view of U.S. Patent 6,088,507 to Yamauchi et al. "Yamauchi"**

As to claims 1, 8 and 9, Kato discloses a playback apparatus comprising:  
obtaining means for obtaining playback management information (Fig. 7, Play list; 0157) including first information having a main playback path (Figs. 7 and 39, Playitem (Main Path)) indicating a position of an AV stream file recorded on a recording medium and second information having a sub playback path (Sub Play Item (Sub-Path); 0262) indicating positions of sub files including accompanying data (Sub play item or audio) to be played back simultaneously with playback of main image data included in

the AV stream file (Fig. 39; 0289-0293);

selection means for selecting accompanying data to be played back, based on an instruction from a user (selection of a playlist, 0157), from among accompanying data to be played back simultaneously with the main image data included in the AV stream file referred to by the main playback path and the accompanying data included in the sub file referred to by the sub playback path (Fig. 39; 0157; 0289-0293);

reading means for reading, if the accompanying data selected by the selection means is included in a sub file referred to by a sub playback path, the sub file referred to by the sub playback path together with the AV stream file referred to by the main playback path (0157; 0289-0293); and

playback means for playing back the main image data included in the AV stream file read by the reading means and the accompanying data included in the sub file selected by the selection means and read by the reading means (0157; 0289-0293).

Kato does not expressly disclose a plurality of sub playback paths.

Yamauchi discloses a plurality of sub playback paths (Fig. 4A; Elementary streams 2-6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Yamauchi. Motivation to combine would have been to allow a user to have multiple sub playback paths so that a user is able to play audio in different languages for a movie or provide caption data in different languages so that a user friendly system could be obtained.

As to claim 2, Kato and Yamauchi as modified disclose everything claimed as applied in claim 1 above. Yamauchi further discloses wherein the first information includes a table defining the accompanying data included in the AV stream file referred to by the main playback path (movie A) and the accompanying data referred to by the sub playback paths (Selection of voice or subtitles), and the selection means selects the accompanying data to be played back, based on the instruction from the user, from among the accompanying data defined in the table (Fig. 9).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Yamauchi. Motivation to combine would have been to allow a user to choose different video and different languages thus giving the user more control over the material the user wishes to watch through the use of a playlist.

As to claim 3 and 4, Kato and Yamauchi as modified disclose everything claimed as applied in claim 1 above. Yamauchi further discloses further comprising determining means for determining whether the playback apparatus has a function of playing back the accompanying data selected by the selection means, wherein if it is determined by the determining means that the playback apparatus has a function of playing back the accompanying data and if the accompanying data is included in a sub file referred to by a sub playback path, the reading means reads the sub file referred to by the sub playback path together with the AV stream file referred to by the main playback path, and the playback means plays back the main image data included in the AV stream file read

by the reading means and the accompanying data included in the sub file selected by the selection means and read by the reading means (Col. 3, lines 35-64).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Yamauchi. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 5, Kato and Yamauchi as modified disclose everything claimed as applied in claim 1 above. Yamauchi further discloses wherein the table further defines accompanying attribute (channel number) information concerning accompanying data, and the determining means determines whether the playback apparatus has a function of playing back the accompanying data based on attribute information concerning the accompanying data defined in the table (Col. 3, lines 35-64).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Yamauchi. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 6, Kato and Yamauchi as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the second information

includes type information concerning the types of the sub playback paths, file names of the sub files referred to by the sub playback paths, and IN points and OUT points of the sub files referred to by the sub playback paths (Fig. 39; 0289-0293).

As to claim 7, Kato and Yamauchi as modified disclose everything claimed as applied in claim 1 above. Kato further discloses wherein the second information further includes specifying information for specifying the AV stream file referred to by the main playback path to play back the sub playback paths simultaneously with the main playback path, and a time on the main playback path for allowing the IN points to be started in synchronization with the main playback path on the time axis of the main playback path (Fig. 39; 0289-0293).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/A. K./  
Examiner, Art Unit 2621